



BILL NO.: House Bill 615

TITLE: Workers' Compensation – Occupational Disease Presumption – Duty Belt Worn by Law Enforcement

POSITION: **OPPOSE**

DATE: February 22, 2012

COMMITTEE: Economic Matters

CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **OPPOSES** House Bill 615. The bill would expand an already generous presumption system for law enforcement officers and impose a potentially significant new unfunded mandate on counties.

HB 615 would create a new workers' compensation public safety occupational disease presumption for State and local law enforcement officers who are required to wear a duty belt and suffer a lower back impairment resulting in partial or total disability. A law enforcement officer must have been a full-time employee for at least 5 years in order for the presumption to apply. The presumption applies for up to 5 years after the officer's retirement.

Law enforcement officers already receive a life-time presumption for hypertension and heart disease. Firefighters, natural resources police, and some correctional officers are also subject to presumptions and the majority of expense for these presumptions is borne by the counties. Dependents of public safety employees subject to a presumption are not subject to an offset on retirement benefits and death benefits that affect all other dependents. A 2001 Maryland Court of Appeals decision made presumptions practically impossible to rebut by setting an extremely low burden of proof on employees.¹ In short, the existing presumption system is already very generous to public safety employees.

According to the Injured Workers' Insurance Fund (IWIF), which insures many counties who are not self-insured, 32% of its open claims (both State and private) are related to back injuries. As the bill's fiscal note indicates, subjecting this common ailment to a presumption would impose a significant fiscal cost on both the State and county governments. As an example, Montgomery County estimates its annual costs under HB 615 to be over \$1 million. The Prince George's estimate is \$6 million. State costs are also expected to increase. Since FY 2008, direct State Aid to Local Governments has decreased by \$687 million. Counties cannot afford another expensive unfunded mandate.

The presumption system is already a significant benefit to law enforcement officers. HB 615 would greatly expand this system, creating a new and expensive entitlement at a time when both the counties and State are struggling with serious budget challenges. Accordingly, MACo urges the Committee to give HB 615 an **UNFAVORABLE** report.

¹ *City of Frederick vs. Shankle*, 367 Md. 5 (2001).